

REMARKS

Status of the Application

Claims 1-17 are the claims that have been examined in the application. Claims 2, 3, 6, 7, 9, 10, 13, 14, 16 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Claims 1, 5-8 and 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina, U.S. Patent 6,965,872 in view of Aarnio, U.S. Publication 2004/0078274. Claims 2, 3, 9, 10, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Mandler, U.S. Patent 6,785,661. Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Luke, U.S. Patent 6,131,087.

By this Amendment, Applicants are amending claims 2, 3, 6, 7, 9, 10, 13 and 14 for clarity. Applicants respectfully request that these amendments be entered and considered, as the amendments were substantially suggested by the Examiner, and thus, have previously contemplated by the Examiner.

Information Disclosure Statement

The Information Disclosure Statement filed July 9, 2007 fails to comply with the provisions of 37 C.F.R. § 1.97, § 1.98 and MPEP § 609 because it fails to provide a concise explanation of the relevance for the references listed that are not in the English language.

Applicants respectfully submit that English language European translation EP 1035488A1, submitted in the Information Disclosure Statement filed July 9, 2007, corresponds as an English language translation of JP 11-120253. Thus, Applicants respectfully request the Examiner consider and initial JP 11-120253, which was also submitted in the Information Disclosure Statement filed July 9, 2007.

Claim Rejections - 35 U.S.C. § 112

Claims 2, 3, 6, 7, 9, 10, 13, 14, 16 and 17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

Applicants hereby amend claims 2, 3, 6, 7, 9, 10, 13 and 14 in order to cure the noted deficiencies. Withdrawal of the rejection is hereby respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 5-8 and 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina, U.S. Patent 6,965,872 in view of Aarnio, U.S. Publication 2004/0078274.

The Examiner again provides a substantially identical rejection in the instant Office Action as was presented in both the Office Action dated March 9, 2007 and September 6, 2007. Therefore, the following comments will be mostly directed toward the Response to Arguments found on pages 19-22 of the instant Office Action.

With regard to the Examiner's belief that the word "directly" conflicts with a network environment (see pages 19-21 of the instant Office Action), Applicant would direct the Examiner

to Applicant's comments regarding this issue on pages 11 and 12 of the Amendment filed December 5, 2007. As a reemphasis, Applicant submits that a *received* information request is directly communicated to the plurality of information provider terminals. The Examiner seems to be interpreting the "directly" to mean that the information requester terminal directly communicates with the plurality of information provider terminals. However, this interpretation is not supported by the claim language. Rather, as noted in claim 15, the server directly communicates the previously received information request to the plurality of information provider terminals. Thus, Applicant submits that claim 1, and analogously claim 15, are written correctly.

Further, the Examiner continues to allege that a proposed combination of Grdina and Aarnio discloses all of the elements of claim 1. Specifically, on page 21 of the Office Action, the Examiner argues that "[i]n Grdina, the communication devices (e.g., telephone, computer, vehicle, pda, etc.) are akin to the terminals of the claimed invention. In Grdina, the consumers/customers are akin to the information requesters. In Grdina, the retailers/business owners are akin to the information providers. In Grdina, in addition to the system receiving information requests from the consumers/customers, the system also communicates information requests directly to the retailers/business owners." The Examiner then concludes that claims 1-17 would have been obvious because "claims 1-17 are merely using a known technique to improve a similar device in the same way," citing KSR. See page 22 of the instant Office Action. Applicants respectfully disagree.

Claim 1 requires that the information request *received from* the information requester terminal is communicated *directly to* a plurality of information provider terminals. As noted on page 12 of the Amendment filed December 5, 2007, and further emphasized herein, Grdina, on the other hand, indicates that retailers may upload prices for goods/services to a database and further allows a retailer to collect and sort data regarding competitors. However, any information request submitted by a consumer merely searches the database and returns results. The actual received information request is not forwarded to retailers by the database. Therefore, Grdina cannot disclose “communicating the information request directly to a plurality of information provider terminals” as recited in claim 1, and as alleged by the Examiner.

Aarnio fails to cure the deficient disclosure of Grdina as the server disclosed in Aarnio fails to send an information request from a customer to the actual information provider terminals.

Claim 1 is thus patentable over the applied art. Claims 8 and 15 recite limitations similar to claim 1, and are patentable for reasons analogous thereto. Claims 5-7 and 12-14 are patentable at least by virtue of their respective dependencies.

With regard to the Examiner’s reliance on KSR, as noted above, claim 1, and analogously claims 8 and 15, do not perform a known technique in a similar way. Rather, claim 1 performs a specific method for performing mediating and supplying of selling price information, where the method is performed differently from the method disclosed in Grdina. Thus, the Examiner’s reliance on KSR is misplaced.

Claims 2, 3, 9, 10, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Mandler, U.S. Patent 6,785,661.

Claims 2, 3, 9 and 10 are dependent from claims 1 and 8. Because the combination of Grdina and Aarnio fail to teach or suggest all of the elements of claims 1 and 8, and because Mandler fails to cure the defects noted with respect to claims 1 and 8, claims 2, 3, 9 and 10 are patentable at least by virtue of their dependency.

Claims 4 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Luke, U.S. Patent 6,131,087.

Claims 4 and 11 are dependent from claims 1 and 8. Because the combination of Grdina and Aarnio fail to teach or suggest all of the elements of claims 1 and 8, and because Luke fails to cure the defects noted with respect to claims 1 and 8, claims 4 and 11 are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 09/987,667

Attorney Docket No.: Q67321

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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